

Norfolk Southern Corporation (Waiver Petition Docket Number PB-98-1)

The Norfolk Southern Corporation (NS) seeks a temporary waiver of compliance from certain provisions of the Railroad Power Brake and Drawbars regulations, 49 CFR 232.21 (a) and (f), which describes the design and performance standards for two-way end-of-train devices.

Section 232.21(a) requires that "an emergency brake application command from the front unit of the device shall activate the emergency air valve at the rear of the train within one second." According to NS, their front unit sends an emergency brake command in 1.675 seconds of which a significant portion of this time is involved in coding the unique signal that provides a security barrier against an attempted malicious emergency command from an outside source, or an accidental transmission from another front unit that may have an erroneous rear number inputted. NS's system is designed to code a unique message between the individual devices. These messages are separate from the rear unit number and are coded and initialized only during a five minute window at the initial terminal setup and testing of the system. NS believes this function provides a higher level of security than the two-way systems currently used by other Class I railroads.

Section 232.21(f) requires "the availability of the front-to-rear communications link shall be checked automatically at least every 10 minutes." The system used by NS does not have front-to-rear communications checked automatically every 10 minutes. NS claims their system communications failure warning is linked to the rear-to-front portion of the messaging. If five minutes elapse since a good message was received by the front unit, a "STAND BY" message is displayed on the front unit. This message informs the engineer that communication is lost.

Section 232.23(d) permits NS to use these devices because "each two-way end-of-train device purchased by any person prior to promulgation of these regulations shall be deemed to meet the design and performance requirements contained in § 232.21."

In anticipation of NS's acquisition of the Consolidated Rail Corporation (CR) and NS's desire to redesign all of their devices to comply with § 232.21, NS is designing a dual frequency two-way system which will operate in both the NS and CR mode. When these devices are operated in the CR mode, they will comply with current regulations.

However, when they are operated in the NS mode, they will be compatible with existing NS devices as described above. NS is expecting immediate delivery of 116 new locomotives which will be equipped with front units designed to work with the existing NS devices. Additionally, NS has approximately 100 existing units which need to be replaced due to loss or damage.

Within three years, NS states they will redesign all of their two-way devices to comply with the design and performance standards of § 232.21 (a) and (f). In order to facilitate a smooth transition from the existing NS mode to the mode that is currently being used by the rest of the Class I railroads, NS requests a temporary waiver for three years of § 232.21 (a) and (f) for the dual mode devices, the 116 devices being delivered with the new locomotives, and the 100 units that will replace existing units.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number PB-98-1) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, FRA, Nassif Building, 400 Seventh Street, SW., Mail Stop 10, Washington, DC 20590. Communications received within 30 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.—5 p.m.) at FRA's temporary docket room located at 1120 Vermont Avenue, NW., Room 7051, Washington, DC 20005.

Issued in Washington, DC on March 2, 1998.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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DEPARTMENT OF TRANSPORTATION**Surface Transportation Board**

[STB Finance Docket No. 33560]

Norfolk Southern Railway Company—Corporate Family Exemption—Lease and Operation of Mobile and Birmingham Railroad Company

Norfolk Southern Railway Company (NSR), a Class I rail carrier, has filed a notice of exemption to renew its lease and to operate approximately 147 miles of rail line owned by Mobile and Birmingham Railroad Company (M&B), a Class III carrier and a subsidiary of NSR, located in the State of Alabama.

NSR states that the lease was to be extended prior to March 1, 1998. The earliest the transaction could be consummated was February 25, 1998, the effective date of the exemption (7 days after the exemption was filed).

NSR has filed its notice of exemption under 49 CFR 1180.2(d)(3) as the proposed renewal of its lease with M&B is exempt because it is within the NSR corporate family and will not result in adverse changes in service levels, operational changes or a change in the competitive balance with carriers outside the NSR corporate family.

As a condition to this exemption, any employee affected by the transaction will be protected by the conditions imposed in *Mendocino Coast Ry., Inc.—Lease and Operate*, 354 I.C.C. 732 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980), *aff'd sub nom. RLEA v. ICC*, 675 F.2d 1248 (D.C. Cir. 1982).

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33560, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001 and served on: James A. Squires, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510.

Decided: March 2, 1998.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 98-5823 Filed 3-6-98; 8:45 am]

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